

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. CAA-05- 2002-0 00 1
)	
Mayville Limestone, Inc.)	Consent Agreement and
Mayville, Wisconsin)	Final Order
)	
Respondent.)	
)	
)	

Consent Agreement and Final Order

I. Statutory Authority and Jurisdiction

1. This is a civil administrative action instituted and settled pursuant to Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, Chicago, Illinois.

3. Under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), the Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation, up to a total of \$220,000, for violations of the Act that occurred on or after January 31, 1997.

4. The Respondent is Mayville Limestone, Inc. (Mayville), a corporation doing business in Wisconsin.

5. On January 18, 1995, U.S. EPA approved Wisconsin Administrative Code Chapter NR 407 as part of the federally enforceable state implementation plan (SIP) for the State of Wisconsin. 60 Fed. Reg. 3538.

6. Under NR 407.09(1)(f), a permittee must comply with all conditions of an operation permit.

7. Under Section 111 of the Act, the Administrator of U.S. EPA promulgated the New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants at 40 C.F.R. §§ 60.670 through 60.676.

8. Under 40 C.F.R. § 60.670(a), the NSPS for Nonmetallic Mineral Processing Plants applies to the following affected facilities: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station at fixed or portable nonmetallic mineral processing plants, except as provided at 40 C.F.R. §§ 60.670(b), (c) and (d).

9. As codified at 40 C.F.R. § 60.670(e), an affected facility under § 60.670(a) that commences construction, reconstruction, or modification after August 31, 1983 is subject to the requirements of 40 C.F.R. Part 60, Subpart 000.

10. 40 C.F.R. §§ 60.1-60.19 (General Provisions) apply to the owner or operator of any stationary source that contains an affected facility under 40 C.F.R. Part 60, Standards of Performance for New Stationary Sources.

11. Mayville is a "person" as defined at 42 U.S.C. § 7602.

II. Stipulated Facts

12. Mayville owns and operates a facility located at W 2848 State Highway 33, Mayville, Wisconsin (the Facility) that manufactures nonmetallic minerals for agriculture.

13. On June 17, 1998, under Wisconsin SIP rule NR 407, the Wisconsin Department of Natural Resources (WDNR) issued an Air Pollution Control Operation Permit No. #1401115-F01 (permit) to Mayville. This permit addresses emission limits from several processes and stacks, including: Rotary Dryer (P30/S10), Tertiary Crusher (P50/S13), Fines Crusher (P60/S13) and Rail Loadout (P90/S13).

14. On or about October of 1996, Mayville commenced construction of a screening operation, SECO Model #2514 s/n TB-4633, manufactured or fabricated in or about March of 1996 (the SECO Screen).

15. On or about October of 1996, Mayville replaced a Tyler Screen, 4 ft. wide x 10 ft. in length, with a SECO Screen, 5 ft. wide x 14 ft. in length.

16. Mayville's permit, specific condition a.(1) (Part I), limits the particulate matter (PM) emissions from a rotary dryer (P30/S10) to 5.0 pounds per hour.

17. On May 25, 1999, Environmental Technology and Engineering Corporation personnel performed stack emissions testing of the rotary dryer (P30/S10).

18. Review of the stack emissions testing of the rotary

dryer (P30/S10) documents that PM emissions from the rotary dryer (P30/S10) averaged 26.07 pounds per hour on May 25, 1999.

19. Mayville's failure to comply with specific condition a.(1) (Part I), limiting PM emissions from the rotary dryer (P30/S10) to 5.0 pounds per hour, violated the Wisconsin SIP regulation NR 407.

20. Mayville's permit, specific condition b.(4) (Part I), states that a stack test shall be performed on the rotary dryer (P30/S10) within 180 days of issuance of the permit.

21. The permit was issued on June 17, 1998.

22. On May 25, 1999, Environmental Technology and Engineering Corporation personnel performed stack emissions testing of the rotary dryer (P30/S10).

23. Mayville's failure to perform a compliance stack test on the rotary dryer within 180 days of issuance of the permit violated the Wisconsin SIP regulation NR 407.

24. Mayville's permit, condition c.(1) (Part I), states that the permittee shall record the pressure drop across the venturi scrubber every 8 hours of operation, or once per day, whichever yields the greatest number of observations.

25. In response to U.S. EPA's June 28, 2000 request for information, requesting records of "the pressure drop across the venturi scrubber every eight hours of operation, or once per day," Mayville provided a "Venturi Scrubber Pressure Log," but Mayville did not provide any other records of pressure drop across the venturi scrubber.

26. Mayville's "Venturi Scrubber Pressure Log" does not

include records of the pressure drops across the venturi scrubber during operating days from June 17, 1998 to April 22, 1999; September 21 and 28, 1999; and December 10, 14, 20 and 24, 1999.

27. Mayville failed to keep records of the pressure drop across the venturi scrubber, in violation of the Wisconsin SIP regulation NR 407.

28. Mayville's permit, condition c.(1) (Part I), states that the permittee shall record the pressure drop across the baghouse every 8 hours of operation, or once per day, whichever yields the greatest number of observations.

29. In response to U.S. EPA's June 28, 2000 request for information, requesting records of "the pressure drop across the baghouse every eight hours of operation, or once per day," Mayville provided "Sly Baghouse Pressure Log," but Mayville did not provide any other records of pressure drop across the baghouse.

30. Mayville's response also included copies of "Daily Air Emissions Tracking" forms, showing the dates and times of operation of the Tertiary Crusher (P50/S13), Fines Crusher (P60/S13) and Rail Loadout (P90/S13).

31. Mayville's "Sly Baghouse Pressure Log" does not include records of the pressure drops across the baghouse during operating days from June 17, 1998 to March 27, 1999.

32. In or about October of 1996, Mayville replaced a Tyler Screen, 4 ft. wide x 10 ft. in length, with a SECO Screen, 5 ft. wide x 14 ft. in length, Model #2514 s/n TB-4633.

33. The SECO Screen was manufactured or fabricated in or

about March of 1996.

34. The SECO Screen is an affected facility under 40 C.F.R. § 60.670(a).

35. 40 C.F.R. § 60.676(i) provides that a notification of the actual startup of each affected facility shall be submitted to the Administrator.

36. Mayville did not submit a notification as required by 40 C.F.R. § 60.676(i).

37. Mayville's failure to submit a notification to the Administrator violates 40 C.F.R. § 60.676(i) and is a violation of Section 111 of the Act, 42 U.S.C. § 7411.

38. On September 20, 2000, U.S. EPA issued a Notice of Violation to Mayville for violations of the Wisconsin SIP regulation NR 407, and issued a Finding of Violation to Mayville for violations of the NSPS for the Nonmetallic Mineral Processing Plants, at 40 C.F.R. Part 60, Subpart 000.

III. Terms of Settlement

39. U.S. EPA and Mayville agree that the settlement of this matter is in the public interest, that the entry of this Consent Agreement and Final Order (CAFO) without filing a Complaint or engaging in further litigation is the most appropriate means of resolving this matter, and that the purpose of this CAFO is to ensure compliance with the Wisconsin SIP, Sections 110 and 111 of the Act, 42 U.S.C. §§ 7410, 7411, and the terms of this CAFO;

NOW, THEREFORE, before the taking of any testimony, upon the alleged violations, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby

ordered and adjudged as follows:

40. This settlement is pursuant to, and in accordance with, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

41. Mayville admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

42. Mayville consents to the issuance of this CAFO, the assessment of a civil penalty and the performance of three Supplemental Environmental Projects (SEPs), as outlined in Section V of this CAFO.

43. Mayville consents to all of the conditions in this CAFO.

44. Mayville waives its right to a hearing as provided at 40 C.F.R. § 22.15(c).

45. Mayville waives any right to contest or appeal any issues related to the Consent Agreement or the Final Order that accompanies this Consent Agreement.

46. Mayville agrees that this CAFO shall apply to and be binding upon Mayville, its officers, directors, employees, assigns and any successor in interest of Mayville's establishments.

47. Mayville shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control of its establishments.

48. By signing this CAFO, Mayville certifies that it has achieved and remains in compliance with the Wisconsin SIP and 40 C.F.R. Part 60, Subpart 000.

49. This CAFO constitutes a settlement by U.S. EPA of all claims for civil penalties pursuant to Sections 110, 111 and 113 of the Act, 42 U.S.C. §§ 7410, 7411 and 7413, for the violations alleged in Section II of this CAFO. Nothing in this CAFO is intended to, nor shall be construed to, operate in any way to resolve any criminal liability of Mayville arising from the violations alleged in this CAFO or liability related to violations of the Act. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by U.S. EPA, and it is the responsibility of Mayville to comply with such laws and regulations.

50. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

51. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO.

52. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, Region 5.

53. "Parties" shall mean U.S. EPA and Mayville.

IV. Civil Penalty

54. Pursuant to Section 113(e) of the Act, 42 U.S.C. § 7413(e), in determining the amount of the penalty assessed, U.S. EPA took into account (in addition to such other factors as justice may require), the size of Mayville's business, the economic impact of the penalty on Mayville's business, Mayville's

full compliance history and good faith efforts to comply, the duration of the violations, the economic benefit of noncompliance, and the seriousness of the violations. Based on an analysis of the above factors, including, Mayville's cooperation, prompt return to compliance, and agreement to perform SEPs, U.S. EPA has determined that an appropriate civil penalty to settle this action is thirty-six thousand six hundred and eighty-six dollars (\$36,686.00).

55. Mayville must pay the \$36,686.00 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

56. Mayville must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

57. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Cynthia A. King, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

58. This civil penalty is not deductible for federal tax purposes.

59. If Mayville does not timely pay the civil penalty or any stipulated penalties due under Paragraph 74, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(4) of the Act, 42 U.S.C. § 7413(d)(4). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

60. Interest will accrue on any overdue amount from the date payment was due at a rate established under 26 U.S.C. § 6621(a)(2). Mayville will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Mayville will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

V. Supplemental Environmental Project

61. Mayville must complete the following three Supplemental Environmental Projects (SEPs), which the parties agree, secure a significant environmental benefit or public health protection and

improvement:

- a. Install and operate DustPro Model 104 spray bars on crushing operations, feed hopper, and screening operations to reduce fugitive particulate emissions;
- b. Install and operate DustPro Model 102 spray bars on rail and truck loadouts operations to reduce fugitive particulate emissions; and
- c. Purchase and operate a water truck with amended water spraying at the Facility to reduce fugitive emissions.
- d. The description of the SEP in Paragraphs a, b and c above and 62 a and b, and 67 and b below, shall include equivalent dust control systems approved in writing by U.S. EPA prior to purchase and installation by Mayville.

62. At the Facility, Mayville must complete the SEPs as follows:

- a. No later than September 30, 2002, Mayville agrees to install and operate DustPro Model 104 spray bars on crushing operations to reduce fugitive particulate emissions. In particular, Mayville must install DustPro Model 104 spray bars on the primary and secondary crushers, feed hopper, screening operations at its Facility of the type described in Attachment A. Mayville must operate the spray bars for a minimum of three (3) years. At the conclusion of three years of operation, Mayville shall notify U.S. EPA and may request termination of this CAFO. Mayville estimates

that this SEP will cost approximately \$35,000.

Mayville also estimates that by installing and operating the spray bars, it will achieve more than 80 percent efficiency in controlling fugitive emissions at the Facility.

- b. No later than September 30, 2002, Mayville agrees to install and operate DustPro Model 102 spray bars on Rail and Truck loadouts operations to reduce fugitive particulate emissions. In particular, Mayville must install DustPro Model 102 spray bars on Rail and Truck loadouts operations at its Facility of the type described in Attachment A. Mayville must operate the spray bars for a minimum of three years. At the conclusion of three years of operation, Mayville shall notify U.S. EPA and may request termination of this CAFO. Mayville estimates that this SEP will cost approximately \$30,000. Mayville also estimates that by installing and operating the spray bars, it will achieve more than 80 percent efficiency in controlling fugitive emissions at the Facility.
- c. No later than December 30, 2001, Mayville agrees to purchase and operate a water truck with amended water spraying system in and around the quarry to reduce fugitive emissions. In particular, Mayville must complete the purchase and operate a water truck in and around quarry operations at its Facility of the type described in Attachment A. Mayville must operate the

water truck for a minimum of three years. Mayville must use chemical suppressant(s) in the amended water spraying system in and around the quarry area for three years following its purchase and operation of water truck with amended water spraying system. At the conclusion of three years of operation, Mayville shall notify U.S. EPA and may request termination of this SEP. Mayville estimates that this SEP will cost approximately \$50,000. Mayville also estimates that by purchasing and operating the amended water spraying system, it will achieve more than 75 percent efficiency in controlling fugitive emissions at the Facility.

63. Mayville must spend at least \$25,300 annually, for three years, to operate the SEP projects in Paragraph 62 above. Mayville shall provide U.S. EPA with documentation of expenditures made in connection with each of the SEPs, 30 days after purchase and installation or 30 days after the effective date of this CAFO, whichever is later. The total expenditures for the SEPs shall not be less than one hundred and fifteen thousand Dollars (\$115,000). If the SEPs are not completed within the time frame set forth in Paragraph 62 a, b, and c above, then Mayville shall become liable for stipulated penalties as outlined in Paragraph 74 below.

64. Mayville certifies that it is not required to perform or develop these SEPs by any federal, state or local law or regulation; nor is Mayville required to perform or develop these SEPs in any agreement, grant, or as injunctive relief in this or

any other case or in compliance with state or local requirements. Mayville further certifies that it has not received, and is not negotiating to receive, credit for these SEPs in any other enforcement action.

65. Mayville agrees that U.S. EPA may inspect the Facility at any time to monitor Mayville's compliance with this CAFO's SEP requirements. All records pertaining to SEPs must be kept at the Facility and made available to U.S. EPA and Wisconsin Department of Natural Resources (WDNR) personnel upon request. Nothing in this CAFO in any way limits any access and inspection rights granted by law to U.S. EPA or WDNR.

66. U.S. EPA, in its sole discretion, shall determine whether Mayville has complied with all the terms of this CAFO with regard to completing the SEPs.

67. Initial and Final SEP Completion Reports: Mayville must submit SEP Completion Reports to U.S. EPA by the following date(s):

- (a) within 30 calendar days of the installation and operation of DustPro Model 104 spray bars on crushing operations, feed hopper, and screening operations **and** also within 30 calendar days after three years of operation of the SEP;
- (b) within 30 calendar days of the installation and operation of DustPro Model 102 spray bars on rail and truck loadouts operations **and** within 30 calendar days after three years of operation of the SEP; and
- (c) within 30 calendar days of the purchase and operation

of a water truck with amended water spraying system, **and** within 30 calendar days after three years of operation of the SEP.

68. The Initial and Final SEP Completion Reports must contain the following information:

- (a) A detailed description of the SEP as implemented, including documentation of the purchase and delivery of equipment listed;
- (b) A discussion of any operating problems encountered and the actions taken to correct the problems;
- (c) Itemized costs, documented by copies of purchase orders, invoices, receipts, canceled checks, or other appropriate documents;
- (d) A description of the environmental and public health benefits that will or may result from implementation of the SEP (quantified to the extent feasible); and
- (e) Certification that Mayville has completed installation of the SEP in compliance with this CAFO.

69. Following receipt of the Initial and Final SEP Completion Reports described above, U.S. EPA must notify Mayville in writing that:

- (a) The SEP Completion Report is satisfactory;
- (b) There are deficiencies in the SEP Completion Report and U.S. EPA will give Mayville 30 days to correct any deficiencies; or
- (c) Mayville has not satisfactorily completed the SEP or the SEP Completion Report and U.S. EPA will seek stipulated penalties under Paragraph 74.

70. If U.S.EPA exercises option 69 b above, Mayville may object in writing to the deficiency notice within 10 days of receiving the notice. U.S. EPA and Mayville will have 30 days

from U.S. EPA's receipt of Mayville's objection to reach an agreement. If the Parties cannot reach an agreement, U.S. EPA will give Mayville a written decision on Mayville's objection. Mayville will comply with any requirements that U.S. EPA imposes in its decision. If Mayville does not complete the SEP as required by U.S. EPA's decision, Mayville will pay stipulated penalties to the United States under Paragraph 74 below.

71. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it will be directed to the individuals at the addresses specified below:

for U.S. EPA:

Manojkumar P. Patel
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division (AE-17J)
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

for Mayville:

Tony Smith
Mayville Limestone, Inc.
W 2848 State High Way 33
Mayville, Wisconsin 53050

72. For three years after Mayville's submission of the initial SEP Completion Report, Mayville shall maintain legible copies of any and all documents or reports submitted to U.S. EPA pursuant to this CAFO, and Mayville shall provide such documentation to U.S. EPA within 7 days of a U.S. EPA request for such information. In all documents or reports that Mayville submits under this CAFO, Mayville must certify under penalty of law that the information contained in such document or report is true, accurate, and complete by including the following statement

signed by one of its officers:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

73. Any public statement, oral or written, in print, film, or other media, made by Mayville making reference to the SEPs shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Clean Air Act, 42 U.S.C. §§ 7410 and 7411."

74. Stipulated Penalties: If Mayville violates any requirement of this CAFO relating to the SEPs, Mayville must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Mayville did not complete the SEPs satisfactorily according to this CAFO, Mayville must pay a stipulated penalty of Ninety-Eight Thousand Four Hundred and Ninety-Nine Dollars (\$98,499.00).

b. If Mayville did not complete the SEPs satisfactorily, but U.S. EPA determines that Mayville: (i) made good faith and timely efforts to complete the SEPs; and (ii) certified, with supporting documents, that Mayville spent at least 90 percent of the required amount on the SEPs, Mayville will not be liable for any stipulated penalty.

c. If Mayville satisfactorily completed the SEPs, but spent less than 90 percent of the required amount on the SEPs, Mayville must pay a stipulated penalty of Nine Thousand Eight Hundred and Forty-Nine Dollars (\$9,849.00).

d. If Mayville failed to submit timely the Initial and Final SEP Completion Reports required by Paragraph 67 above, Mayville must pay a stipulated penalty of One Hundred Dollars (\$100.00) for each day after the report was due until it submits the report.

75. U.S. EPA's determinations of whether Mayville satisfactorily completed the SEPs and whether it made good faith, timely efforts to complete the SEPs will bind Mayville.

76. Stipulated penalties for Paragraph 74 d above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

77. Mayville must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Mayville will use the method of payment specified in Paragraphs 56 and 57 above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

78. If an event occurs which causes or may cause a delay in completing the SEPs as required by this CAFO:

a. Mayville must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEPs. The notice must describe the anticipated length of the delay, its cause(s), Mayville's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Mayville must take all reasonable actions to avoid or minimize any delay. If Mayville fails to notify U.S. EPA according to this paragraph, Mayville will not receive an extension of time to complete the SEPs.

b. If the Parties agree that circumstances beyond the control of Mayville caused or may cause a delay in completing the SEPs, the Parties will stipulate to an extension of time no longer than the period of delay.

c. If U.S. EPA does not agree that circumstances beyond the control of Mayville caused or may cause a delay in completing the SEPs, U.S. EPA will notify Mayville in writing of its decision and any delays in completing the SEPs will not be excused.

d. Mayville has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEPs. Increased costs for

completing the SEPs will not be a basis for an extension of time under subparagraph b above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

VI. General Provisions

79. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in Section II above.

80. Nothing in this CAFO restricts U.S. EPA's authority to seek Mayville's compliance with the Act and other applicable laws and regulations.

81. This CAFO does not affect Mayville's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations.

82. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Mayville's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

83. Each person signing this Consent Agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

84. This CAFO constitutes the entire agreement between the parties.

VII. Signatories

Each undersigned representative of a Party to this Consent Agreement and Final Order certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to bind legally such Party to this document.

**U.S. Environmental Protection
Agency, Complainant**

Date:

10/5/01

By:

Shankar Mathur
Bharat Mathur, Director
Air and Radiation Division
U.S. Environmental Protection Agency
Region 5 (A-18J)

Mayville Limestone, Inc., Respondent

Date:

9/26/01

By:

Anthony J. Smith
Anthony J. Smith, Vice President
Mayville Limestone, Inc.

CAA-05- 2002-0 001

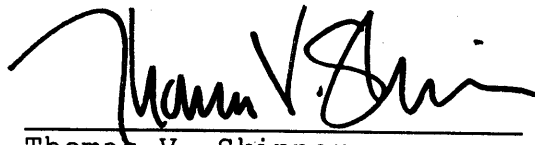
CONSENT AGREEMENT AND FINAL ORDER
Mayville Limestone, Inc.
Docket No.

CA05- 2002-0001

Final Order

It is ordered as agreed to by the Parties and as stated in the Consent Agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: 10.11.01



Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CERTIFICATE OF SERVICE


I, Shanee Rucker, certify that I hand delivered the original
of the Consent Agreement and Final Order, docket number **CAA-05- 2002-0001**

_____ to the Regional Hearing Clerk, Region 5, United
States Environmental Protection Agency, and that I mailed correct
copies by first-class, postage prepaid, certified mail, return
receipt requested, to Mayville and Mayville's Counsel by placing
them in the custody of the United States Postal Service addressed
as follows:

Anthony J. Smith, Vice President
Mayville Limestone, Inc.
W 2848 State Highway 33
Mayville, Wisconsin 53050

Michael S. McCauley, Esq
Quarles & Brady, LLP
411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497

on the 18th day of October, 2001.


Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9581 0799